



Rep. Michael J. Zalewski

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1 AMENDMENT TO SENATE BILL 837

2 AMENDMENT NO. _____. Amend Senate Bill 837 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The Regulatory Sunset Act is amended by
5 changing Section 4.26 and by adding Section 4.36 as follows:

6 (5 ILCS 80/4.26)

7 Sec. 4.26. Acts repealed on January 1, 2016. The following
8 Acts are repealed on January 1, 2016:

9 The Illinois Athletic Trainers Practice Act.

10 The Illinois Roofing Industry Licensing Act.

11 The Illinois Dental Practice Act.

12 The Collection Agency Act.

13 The Barber, Cosmetology, Esthetics, Hair Braiding, and
14 Nail Technology Act of 1985.

15 The Respiratory Care Practice Act.

16 The Hearing Instrument Consumer Protection Act.

1 ~~The Illinois Physical Therapy Act.~~

2 The Professional Geologist Licensing Act.

3 (Source: P.A. 95-331, eff. 8-21-07; 95-876, eff. 8-21-08;
4 96-1246, eff. 1-1-11.)

5 (5 ILCS 80/4.36 new)

6 Sec. 4.36. Act repealed on January 1, 2026. The following
7 Act is repealed on January 1, 2026:

8 The Illinois Physical Therapy Act.

9 Section 10. The Illinois Physical Therapy Act is amended by
10 changing Sections 1, 8, 12, and 16.2 and by adding Sections
11 2.5, 19.5, and 31.5 as follows:

12 (225 ILCS 90/1) (from Ch. 111, par. 4251)

13 (Section scheduled to be repealed on January 1, 2016)

14 Sec. 1. Definitions. As used in this Act:

15 (1) "Physical therapy" means all of the following:

16 (A) Examining, evaluating, and testing individuals who
17 may have mechanical, physiological, or developmental
18 impairments, functional limitations, disabilities, or
19 other health and movement-related conditions, classifying
20 these disorders, determining a rehabilitation prognosis
21 and plan of therapeutic intervention, and assessing the
22 on-going effects of the interventions.

23 (B) Alleviating impairments, functional limitations,

1 or disabilities by designing, implementing, and modifying
2 therapeutic interventions that may include, but are not
3 limited to, the evaluation or treatment of a person through
4 the use of the effective properties of physical measures
5 and heat, cold, light, water, radiant energy, electricity,
6 sound, and air and use of therapeutic massage, therapeutic
7 exercise, mobilization, and rehabilitative procedures,
8 with or without assistive devices, for the purposes of
9 preventing, correcting, or alleviating a physical or
10 mental impairment, functional limitation, or disability.

11 (C) Reducing the risk of injury, impairment,
12 functional limitation, or disability, including the
13 promotion and maintenance of fitness, health, and
14 wellness.

15 (D) Engaging in administration, consultation,
16 education, and research.

17 Physical therapy includes, but is not limited to: (a)
18 performance of specialized tests and measurements, (b)
19 administration of specialized treatment procedures, (c)
20 interpretation of referrals from physicians, dentists,
21 advanced practice nurses, physician assistants, and podiatric
22 physicians, (d) establishment, and modification of physical
23 therapy treatment programs, (e) administration of topical
24 medication used in generally accepted physical therapy
25 procedures when such medication is either prescribed by the
26 patient's physician, licensed to practice medicine in all its

1 branches, the patient's physician licensed to practice
2 podiatric medicine, the patient's advanced practice nurse, the
3 patient's physician assistant, or the patient's dentist or used
4 following the physician's orders or written instructions, and

5 (f) supervision or teaching of physical therapy. Physical
6 therapy does not include radiology, electrosurgery,
7 chiropractic technique or determination of a differential
8 diagnosis; provided, however, the limitation on determining a
9 differential diagnosis shall not in any manner limit a physical
10 therapist licensed under this Act from performing an evaluation
11 pursuant to such license. Nothing in this Section shall limit a
12 physical therapist from employing appropriate physical therapy
13 techniques that he or she is educated and licensed to perform.
14 A physical therapist shall refer to a licensed physician,
15 advanced practice nurse, physician assistant, dentist, ~~or~~
16 podiatric physician, other physical therapist, or other health
17 care provider any patient whose medical condition should, at
18 the time of evaluation or treatment, be determined to be beyond
19 the scope of practice of the physical therapist.

20 (2) "Physical therapist" means a person who practices
21 physical therapy and who has met all requirements as provided
22 in this Act.

23 (3) "Department" means the Department of Professional
24 Regulation.

25 (4) "Director" means the Director of Professional
26 Regulation.

1 (5) "Board" means the Physical Therapy Licensing and
2 Disciplinary Board approved by the Director.

3 (6) "Referral" means a written or oral authorization for
4 physical therapy services for a patient by a physician,
5 dentist, advanced practice nurse, physician assistant, or
6 podiatric physician who maintains medical supervision of the
7 patient and makes a diagnosis or verifies that the patient's
8 condition is such that it may be treated by a physical
9 therapist.

10 (7) "Documented current and relevant diagnosis" for the
11 purpose of this Act means a diagnosis, substantiated by
12 signature or oral verification of a physician, dentist,
13 advanced practice nurse, physician assistant, or podiatric
14 physician, that a patient's condition is such that it may be
15 treated by physical therapy as defined in this Act, which
16 diagnosis shall remain in effect until changed by the
17 physician, dentist, advanced practice nurse, physician
18 assistant, or podiatric physician.

19 (8) "State" includes:

20 (a) the states of the United States of America;

21 (b) the District of Columbia; and

22 (c) the Commonwealth of Puerto Rico.

23 (9) "Physical therapist assistant" means a person licensed
24 to assist a physical therapist and who has met all requirements
25 as provided in this Act and who works under the supervision of
26 a licensed physical therapist to assist in implementing the

1 physical therapy treatment program as established by the
2 licensed physical therapist. The patient care activities
3 provided by the physical therapist assistant shall not include
4 the interpretation of referrals, evaluation procedures, or the
5 planning or major modification of patient programs.

6 (10) "Physical therapy aide" means a person who has
7 received on the job training, specific to the facility in which
8 he is employed, ~~but who has not completed an approved physical
9 therapist assistant program.~~

10 (11) "Advanced practice nurse" means a person licensed
11 under the Nurse Practice Act who has a collaborative agreement
12 with a collaborating physician that authorizes referrals to
13 physical therapists.

14 (12) "Physician assistant" means a person licensed under
15 the Physician Assistant Practice Act of 1987 who has been
16 delegated authority to make referrals to physical therapists.

17 (Source: P.A. 98-214, eff. 8-9-13.)

18 (225 ILCS 90/2.5 new)

19 (Section scheduled to be repealed on January 1, 2026)

20 Sec. 2.5. Unlicensed practice; violation; civil penalty.

21 (a) In addition to any other penalty provided by law, any
22 person who practices, offers to practice, attempts to practice,
23 or holds oneself out to practice as a physical therapist or
24 assistant without being licensed under this Act shall, in
25 addition to any other penalty provided by law, pay a civil

1 penalty to the Department in an amount not to exceed \$10,000
2 for each offense as determined by the Department. The civil
3 penalty shall be assessed by the Department after a hearing is
4 held in accordance with the provisions set forth in this Act
5 regarding the provision of a hearing for the discipline of a
6 licensee.

7 (b) The Department has the authority and power to
8 investigate any and all unlicensed activity.

9 (c) The civil penalty shall be paid within 60 days after
10 the effective date of the order imposing the civil penalty. The
11 order shall constitute a judgment and may be filed and
12 execution had thereon in the same manner as any judgment from
13 any court of record.

14 (225 ILCS 90/8) (from Ch. 111, par. 4258)

15 (Section scheduled to be repealed on January 1, 2016)

16 Sec. 8. Qualifications for licensure as a Physical
17 Therapist.

18 (a) A person is qualified to receive a license as a
19 physical therapist if that person has applied in writing, on
20 forms prescribed by the Department, has paid the required fees,
21 and meets all of the following requirements:

22 (1) He or she is at least 21 ~~18~~ years of age and of good
23 moral character. In determining moral character, the
24 Department may take into consideration any felony
25 conviction of the applicant, but such a conviction shall

1 not operate automatically as a complete bar to a license.

2 (2) He or she has graduated from a curriculum in
3 physical therapy approved by the Department. In approving a
4 curriculum in physical therapy, the Department shall
5 consider, but not be bound by, accreditation by the
6 Commission on Accreditation in Physical Therapy Education.
7 A person who graduated from a physical therapy program
8 outside the United States or its territories shall have his
9 or her degree validated as equivalent to a physical therapy
10 degree conferred by a regionally accredited college or
11 university in the United States. The Department may
12 establish by rule a method for the completion of course
13 deficiencies.

14 (3) He or she has passed an examination approved by the
15 Department to determine his fitness for practice as a
16 physical therapist, or is entitled to be licensed without
17 examination as provided in Sections 10 and 11 of this Act.
18 A person who graduated from a physical therapy program
19 outside the United States or its territories and whose
20 first language is not English shall submit certification of
21 passage of the Test of English as a Foreign Language
22 (TOEFL) and the Test of Spoken English (TSE) as defined by
23 rule prior to taking the licensure examination.

24 (b) The Department reserves the right and may request a
25 personal interview of an applicant before the Board to further
26 evaluate his or her qualifications for a license.

1 (Source: P.A. 94-651, eff. 1-1-06.)

2 (225 ILCS 90/12) (from Ch. 111, par. 4262)

3 (Section scheduled to be repealed on January 1, 2016)

4 Sec. 12. Examinations. The Department shall examine
5 applicants for licenses as physical therapists or physical
6 therapist assistants at such times and places as it may
7 determine. At least 2 written examinations shall be given
8 during each calendar year for both physical therapists and
9 physical therapist assistants. The examination shall be
10 approved by the Department.

11 Following notification of eligibility for examination, an
12 applicant who fails to take the examination for a license under
13 this Act within 60 days of the notification or on the next
14 available exam date, if no exam is held within 60 days of the
15 notification, shall forfeit his or her fee and his or her right
16 to practice as a physical therapist or physical therapist
17 assistant until such time as the applicant has passed the
18 appropriate examination. Any applicant failing the examination
19 three times in any jurisdiction will not be allowed to sit for
20 another examination until the applicant has presented
21 satisfactory evidence to the Board of appropriate remedial work
22 as set forth in the rules and regulations.

23 If an applicant neglects, fails or refuses to take an
24 examination or fails to pass an examination for a license or
25 otherwise fails to complete the application process under this

1 Act within 3 years after filing his application, the
2 application shall be denied. However, such applicant may make a
3 new application for examination accompanied by the required
4 fee, and must furnish proof of meeting qualifications for
5 examination in effect at the time of new application.

6 (Source: P.A. 94-651, eff. 1-1-06.)

7 (225 ILCS 90/16.2)

8 (Section scheduled to be repealed on January 1, 2016)

9 Sec. 16.2. Deposit of fees and fines; appropriations. All
10 fees, penalties, and fines collected under this Act shall be
11 deposited into the General Professions Dedicated Fund and shall
12 be. ~~All moneys in the Fund shall be used by the Department of~~
13 ~~Professional Regulation, as appropriated to the Department,~~
14 for the ordinary and contingent expenses of the Department in
15 the administration of this Act.

16 (Source: P.A. 89-387, eff. 1-1-96.)

17 (225 ILCS 90/19.5 new)

18 (Section scheduled to be repealed on January 1, 2026)

19 Sec. 19.5. Confidentiality. All information collected by
20 the Department in the course of an examination or investigation
21 of a licensee or applicant, including, but not limited to, any
22 complaint against a licensee filed with the Department and
23 information collected to investigate any such complaint, shall
24 be maintained for the confidential use of the Department and

1 shall not be disclosed. The Department may not disclose the
2 information to anyone other than law enforcement officials,
3 other regulatory agencies that have an appropriate regulatory
4 interest as determined by the Secretary of the Department, or a
5 party presenting a lawful subpoena to the Department.
6 Information and documents disclosed to a federal, State,
7 county, or local law enforcement agency shall not be disclosed
8 by the agency for any purpose to any other agency or person. A
9 formal complaint filed by the Department against a licensee or
10 applicant shall be a public record, except as otherwise
11 prohibited by law.

12 (225 ILCS 90/31.5 new)

13 (Section scheduled to be repealed on January 1, 2026)

14 Sec. 31.5. Suspension of license for failure to pay
15 restitution. The Department, without further process or
16 hearing, shall suspend the license or other authorization to
17 practice of any person issued under this Act who has been
18 certified by court order as not having paid restitution to a
19 person under Section 8A-3.5 of the Illinois Public Aid Code or
20 under Section 17-10.5 or 46-1 of the Criminal Code of 1961 or
21 the Criminal Code of 2012. A person whose license or other
22 authorization to practice is suspended under this Section is
23 prohibited from practicing until the restitution is made in
24 full.

1 Section 99. Effective date. This Act takes effect upon
2 becoming law.".